

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: O'Lone, Mary[o'lonemary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 3/9/2015 12:54:56 PM
Subject: Re: Updated draft of REACH RFI

K.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 9, 2015, at 8:49 AM, "O'Lone, Mary" <o'lonemary@epa.gov> wrote:

just cc me on the email you send to Dayna.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, March 9, 2015 8:42 AM
To: O'Lone, Mary
Subject: Re: Updated draft of REACH RFI

I will follow up with Will. Do you want to be looped in?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 9, 2015, at 8:36 AM, "O'Lone, Mary" <o'lonemary@epa.gov> wrote:

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Friday, March 6, 2015 8:20 AM

To: Matthew, Dayna; Dorka, Lilian

Cc: Wooden-Aguilar, Helena; Rhodes, Julia; Moffa, Anthony; Packard, Elise

Subject: Re: Updated draft of REACH RFI

Just trying to get a grip on where we stand -

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Matthew, Dayna

Sent: Thursday, March 5, 2015 7:09 PM

To: Dorka, Lilian

Cc: O'Lone, Mary; Wooden-Aguilar, Helena; Rhodes, Julia; Moffa, Anthony; Packard, Elise

Subject: Re: Updated draft of REACH RFI

My comments have been incorporated thanks to Mary's earlier edits and I think this is way to go if it hasn't already gone.

Dayna

Sent from my iPhone

On Mar 5, 2015, at 6:11 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Ex. 5 - Deliberative Process

Dayna, did you review/have anything else? I think Velveta is waiting for any comments you have. She may not realize you already commented on the email?

From: O'Lone, Mary

Sent: Tuesday, March 3, 2015 6:35 PM

To: Dorka, Lilian; Wooden-Aguilar, Helena; Matthew, Dayna

Cc: Rhodes, Julia; Moffa, Anthony; Packard, Elise

Subject: Updated draft of REACH RFI

Lilian –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I hope all this helps. See you tomorrow. A lot.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

<REACH RFI 3 3 2015 (Dorka, Lilian).docx>

<REACH RFI 3 6 2015.docx>

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Sat 3/7/2015 3:02:51 AM
Subject: Fwd: To Do List from Today's REACH Meeting

FYI

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Date: March 6, 2015 at 9:46:50 PM EST
To: "Matthew, Dayna" <Matthew.Dayna@epa.gov>
Cc: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Martinez, Brittany" <Martinez.Brittany@epa.gov>, "O'Lone, Mary" <o'lonemary@epa.gov>
Subject: **Re: To Do List from Today's REACH Meeting**

Haven't received RFIs. If they're ready, you can forward to GWEN and John for their info and any input that they have while sharing what I told GWEN today. That is, it'll good on the ADR front and we want to be ready to issue the RFIs in the event ADR isn't a go.

Thanks. Velveta

Sent from my iPhone

On Mar 6, 2015, at 3:05 PM, Matthew, Dayna <Matthew.Dayna@epa.gov> wrote:

All,

This is the "to-do" list from today's meeting. Please let me know if I've missed or mistaken anything below. It was my error not to invite Brittany to meeting – she is Acting today for Helena. I'm still learning. Thanks very much

1. Clarification Letters To Parties Erika will send draft for Mary and Anthony. After review they will send to VGH to sign today
2. Email to John and Don Mary will revise to reflect Marianne's response re willingness on ODR and VGH will send today
3. ADR Discussions with Parties During VGH and LD leaves next week, Will Hall will discuss ADR with parties
4. RFIs VGH will send to John and Gwen to review in the event they are needed
5. Requests to Complainants Mary/ Anthony will work w/ Helena to determine scope and to get request ready if needed

Ex. 5 - Deliberative Process

Ex. 7 - Law Enforcement

Dayna

Dayna Bowen Matthew

Senior Advisor to Director Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Room 2524B

Washington, D.C. 20460

Tel: 202-564-9621

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Matthew, Dayna[Matthew.Dayna@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; O'Lone, Mary[o'lonemary@epa.gov]
To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Sat 3/7/2015 3:02:35 AM
Subject: Re: To Do List from Today's REACH Meeting

Ok. Got it.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 6, 2015, at 9:46 PM, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

Haven't received RFIs. If they're ready, you can forward to GWEN and John for their info and any input that they have while sharing what I told GWEN today. That is, it'll good on the ADR front and we want to be ready to issue the RFIs in the event ADR isn't a go.
Thanks. Velveta

Sent from my iPhone

On Mar 6, 2015, at 3:05 PM, Matthew, Dayna <Matthew.Dayna@epa.gov> wrote:

All,

This is the "to-do" list from today's meeting. Please let me know if I've missed or mistaken anything below. It was my error not to invite Brittany to meeting – she is Acting today for Helena. I'm still learning. Thanks very much

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5. Requests to Complainants Mary/ Anthony will work w/ Helena to determine scope and to get request ready if needed

Ex. 5 - Deliberative Process

Ex. 7 - Law Enforcement

Dayna

Dayna Bowen Matthew

Senior Advisor to Director Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Room 2524B

Washington, D.C. 20460

Tel: 202-564-9621

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 3/6/2015 12:19:33 AM
Subject: Re: Important - Arrowhead and REACH

Ok. Thx. This might have to wait until Monday. I don't think I can make it in. I will work on something tonight.

Am I going crazy?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 7:18 PM, "Rhodes, Julia" <Rhodes.Julia@epa.gov> wrote:

I am out tomorrow. Mary is acting

Sent from my iPhone

On Mar 5, 2015, at 7:11 PM, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov> wrote:

Ex. 5 - Deliberative Process

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 6:59 PM, "Matthew, Dayna" <Matthew.Dayna@epa.gov> wrote:

Helena

Ex. 5 - Deliberative Process

I have other ideas that I believe you should consider before deciding to respond as you have proposed.

Dayna

Sent from my iPhone

On Mar 5, 2015, at 6:35 PM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Ex. 5 - Deliberative Process

Helena Wooden-Aguilar

Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 6:26 PM, "Matthew, Dayna"
<Matthew.Dayna@epa.gov> wrote:

Ex. 5 - Deliberative Process

Dayna

Sent from my iPhone

On Mar 5, 2015, at 5:49 PM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Ok. I will work with OGC and prepare a draft response. Thx

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 5:48 PM, "Golightly-Howell, Velveta"
<Golightly-Howell.Velveta@epa.gov> wrote:

THEN LET'S DO SO HERE.

Sent from my iPhone

On Mar 5, 2015, at 4:15 PM, Wooden-Aguilar, Helena
<Wooden-Aguilar.Helena@epa.gov> wrote:

Just to be clear, the response below is generally what we
have shared with those types of inquires in the past.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202.564.0702 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 3:13 PM, "Golightly-Howell,
Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

Ex. 5 - Deliberative Process

Velveta

Sent from my iPhone

On Mar 5, 2015, at 2:18 PM, Wooden-Aguilar,
Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Lilian

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Helena

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 5, 2015, at 1:07 PM, "Dorka, Lilian"
<Dorka.Lilian@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 5, 2015, at 12:57 PM, Wooden-
Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

All-

I wanted to let you know that I received this message below. This is a big deal as what we day impacts two open cases. Thoughts on how OCR will respond.

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Tommelleo, Nancy"
<Tommelleo.Nancy@epa.gov>
Date: March 5, 2015 at
12:43:19 PM EST
To: "Wooden-Aguilar, Helena"
<Wooden-Aguilar.Helena@epa.gov>
Cc: "O'Lone, Mary"
<OLone.Mary@epa.gov>, "Jones, Kim A"
<Jones.Kima@epa.gov>

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks – I am in all day
tomorrow – so give me a buzz if
you can.

Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental
Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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<image001.png>

To: O'Lone, Mary[olone.mary@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Ericka Farrell (farrell.ericka@epa.gov)[farrell.ericka@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Julia Rhodes (Rhodes.Julia@epa.gov)[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Tue 3/3/2015 6:09:16 PM
Subject: For Legal Review - REACH TPs for DCRO
DRAFT DCRO Briefing 030315.docx

Mary-

I need your help to review this document for my case update tomorrow. I would ask that you also help me summarize in a bullet the legal theory as described by Lilian **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process I can't seem to get it all but wanted to ask if you were able to describe it.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 3/2/2015 3:00:17 PM
Subject: Fwd: Allegations in Administrative Complaint, 11R-14-R4 (Urgent)
[image001.gif](#)

Velveta and Lilian,

Ex. 5 - Deliberative Process

Thanks,

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Date: February 27, 2015 at 7:07:30 PM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: Jocelyn D'Ambrosio <jdambrosio@earthjustice.org>, "Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)" <emclaugh@email.unc.edu>
Subject: Allegations in Administrative Complaint, 11R-14-R4

Dear Helena,

We received Director Golightly-Howell's February 20, 2015 letter notifying us that the Office of Civil Rights had accepted the administrative complaint, 11R-14-R4, filed on September 3, 2014 on behalf of the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance. We are pleased that EPA will begin investigating the allegation that the way that the North Carolina Department of Environment and Natural Resources (DENR) regulates swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin, in violation of Title VI and EPA's implementing regulations, and we want to be as helpful as possible with EPA's investigation. We also received your February 24, 2015 email outlining guiding questions for an initial discussion. This email is intended to provide some clarity about the allegations in the complaint in preparation for our call on Monday.

Both the acceptance letter and your email raised questions about the possibility of an allegation focused on discrimination in enforcement practices by the North Carolina Department of Environment and Natural Resource's (DENR's). We want to be clear that the complaint we filed in September 3, 2014 did not allege that DENR has violated Title VI in the way that it enforces the permit. As stated in the opening paragraph, our clients brought the complaint against DENR "for issuing a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos and Native Americans" in violation of Title VI and EPA's implementing regulations. The gravamen of the complaint is the issuance of a grossly inadequate permit.

As you know, even in the absence of a complaint or claim, EPA has affirmative authority to assess whether recipients of federal funds, like DENR, are complying with Title VI. EPA can request data and information, and conduct site reviews when the agency has reason to believe that discrimination may be occurring in a program or activity receiving EPA assistance. 40 C.F.R. § 7.115(a). Should EPA's investigation in North Carolina provide reason to believe that the way in which DENR enforces its permit is also discriminatory, we encourage the agency to use its affirmative authority and fully investigate that question, and we and our clients are happy to help in any way that we can.

We look forward to the opportunity to provide any additional clarification and to discuss next steps during our call on Monday.

I also wanted to check in on logistics. Are you planning to circulate a call-in number? On our end, I'll be joined by Jocelyn D'Ambrosio, who is in my office, and Elizabeth McLaughlin Haddix, who is in North Carolina. If you are planning on calling my line, I can conference in Elizabeth.

Please let me know.

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

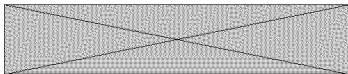
48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 2/27/2015 1:17:43 AM
Subject: Re: REACH- NPDES General Permit # AWG100000

Got it. I thought it was in the letters. Oops. I think it should be in and I thought Folks in your chain want it to be.

I will catch up tomorrow.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 26, 2015, at 8:09 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena

Sent: Thursday, February 26, 2015 7:24 PM

To: O'Lone, Mary

Subject: Re: REACH- NPDES General Permit # AWG100000

I will catch up tomorrow on these emails. What is this about?

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 26, 2015, at 6:59 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

I will put that language in track changes in the draft I send out tonight.

Ex. 5 - Attorney Client/ Deliberative

Ex. 5 - Attorney Client/ Deliberative

Good night.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Matthew, Dayna

Sent: Thursday, February 26, 2015 6:52 PM

To: O'Lone, Mary; Dorka, Lilian; Covington, Jeryl; Wooden-Aguilar, Helena; Moffa, Anthony

Subject: RE: REACH- NPDES General Permit # AWG100000

Friends –

I am starting with that salutation because I want to raise an issue that was ostensibly settled yesterday. In other settings this practice is known as “beating a dead horse.” Nevertheless, I think it’s important.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Since Mary is sending an updated version of this RFI this evening, I ask the group to please consider revisiting our conclusion reached yesterday on this issue.

Thank you . . . friends (!)

Dayna

From: O'Lone, Mary
Sent: Thursday, February 26, 2015 6:43 PM
To: Dorka, Lilian; Covington, Jeryl; Wooden-Aguilar, Helena; Moffa, Anthony; Matthew, Dayna
Subject: RE: REACH- NPDES General Permit # AWG100000

What my first sentence was trying to say was that it looks like I didn't send the most recent version of the draft RFI after we finished our call from 2-3 yesterday. I thought I had but neither Dayna nor I could find it in our emails. I will send it when I get home. If you don't see it by 9 pm tonight, call me at home & remind me. Ex. 6 - Personal Privacy It means it slipped out of my pea brain between the office & home.

I will add in the January 1, 2000 date before I send it.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Thursday, February 26, 2015 6:39 PM
To: O'Lone, Mary; Covington, Jeryl; Wooden-Aguilar, Helena; Moffa, Anthony; Matthew, Dayna
Subject: RE: REACH- NPDES General Permit # AWG100000

2000 sounds good to me. And we just take out what is in parentheses. Thanks Jeryl and Mary and Dayna.

From: O'Lone, Mary
Sent: Thursday, February 26, 2015 6:35 PM
To: Covington, Jeryl; Dorka, Lilian; Wooden-Aguilar, Helena; Moffa, Anthony; Matthew, Dayna
Subject: RE: REACH- NPDES General Permit # AWG100000

All-

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

But really, I leave it to you all. I am out tomorrow & will catch up with you on Monday.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Thursday, February 26, 2015 5:10 PM

To: Dorka, Lilian; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Matthew,

Dayna

Subject: RE: REACH- NPDES General Permit # AWG100000

Today, I have continued to review multiple sources to determine the initial general permit issue date.

One of the sources documenting and confirming the permit issuance is the US EPA Water Permits Division's State Compendium report entitled "*Programs and Regulatory Activities Related to Animal Feeding Operations*" (date May 2002). Per this documentation, the Swine Waste Operation General Permit was issued January 14, 1997 and was effective until December 31, 2001.

Furthering my review of other legislative notices and information, the January 1997 appears to be the initial date of general permit issuance. The legislative actions were undertaken by the NC General Assembly 1995 Session. The third reading and ratification was June 21, 1996. This legislative session adopted the recommendations of the Blue Ribbon Study Commission on Agricultural Waste.

Please let me know if you have uncovered additional or contrary information.

From: Covington, Jeryl

Sent: Thursday, February 26, 2015 9:29 AM

To: Dorka, Lilian; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Matthew, Dayna

Subject: RE: REACH- NPDES General Permit # AWG100000

This legislative information identifies when DENR was required to develop the permitting program. As I understand my charge, I am to confirm the initial date of the general permit issuance. To date, I have not confirm this date only the promulgation of the rules.

From: Dorka, Lilian

Sent: Wednesday, February 25, 2015 6:34 PM

To: Covington, Jeryl; Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony; Matthew, Dayna

Subject: RE: REACH- NPDES General Permit # AWG100000

Importance: High

So I am not sure where this leaves us? Are we using the January 1997 date?

From: Covington, Jeryl
Sent: Wednesday, February 25, 2015 4:56 PM
To: Wooden-Aguilar, Helena; O'Lone, Mary; Moffa, Anthony
Cc: Dorka, Lilian; Matthew, Dayna
Subject: REACH- NPDES General Permit # AWG100000

As a follow-up to our discussions related to establishing the initial issuance date of general permit for swine operations, I submit the following information obtained from the enacted body, the North Carolina General Assembly.

History of the legislative action, sponsors, and approvals:

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=1995&BillID=S1217>

Session Law:

<http://www.ncleg.net/Sessions/1995/Bills/Senate/HTML/S1217v5.html>

The attached Session Law identifies that the General Assembly approved the development of applications and issue permits ("§ 143-215.10C. Applications and permits).

Contained within the same Session Law, the General Assembly issued the following effective dates for these activities.

(c)(1) G.S. 143-215.10C, as enacted by Section 1 of this act, becomes effective January 1, 1997. In order to ensure an orderly and cost-effective phase-in of the permit program, the Department of Environment, Health, and Natural Resources shall issue permits for animal operations over a five-year period. The Department shall issue permits for approximately twenty percent (20%) of the animal waste management facilities that are in operation on January 1, 1997, during each of the five calendar years beginning January 1, 1997, and shall give priority to those animal waste management systems serving the

largest animal operations. An animal waste management system that is deemed permitted by rule on January 1, 1997, under 15A N.C.A.C. 2H.0217 may continue to operate on a deemed permitted basis as provided in subsection (b) of this section.

As noted above, the Session Law refers to a January 1997 date. I will continue to seek verification of the initial permit issuance as this information does not specify the permit type. However, this legislative action could be all inclusive.

Bcc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 2/23/2015 10:23:42 PM
Subject: Re: REACH - Complainants requested remedies & updated draft RFI.

Hi Mary

I have a few edits. By when do you need them? For ease I will attempt to send you one set of cmts from the program (mine, Jeryl, and Ericka).

Thanks,

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 23, 2015, at 8:46 AM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

whoops, forgot attachment.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Monday, February 23, 2015 8:45 AM

To: Wooden-Aguilar, Helena; Dorka, Lilian; Matthew, Dayna

Cc: Moffa, Anthony; Covington, Jeryl; Farrell, Ericka; Rhodes, Julia

Subject: REACH - Complainants requested remedies & updated draft RFI.

All-

Ex. 5 - Deliberative, Attorney Client

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

<REACH RFI 2 23 2015.docx>

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 2/20/2015 10:43:27 PM
Subject: RE: Draft REACH email for Tom Reynolds - reynolds.tom@epa.gov
DRAFT REACH-DENR Outreach and Communications Plan 2-20-15mmo hewa.docx
revised.DRAFT REACH-DENR Desk Statement 22015.docx

Lilian

Ex. 5 - Deliberative Process

Thanks,

Helena

From: Dorka, Lilian
Sent: Friday, February 20, 2015 5:40 PM
To: Wooden-Aguilar, Helena; Golightly-Howell, Velveta
Cc: O'Lone, Mary; Rhodes, Julia; Matthew, Dayna
Subject: RE: Draft REACH email for Tom Reynolds - reynolds.tom@epa.gov
Importance: High

Ex. 5 - Deliberative Process

From: Wooden-Aguilar, Helena
Sent: Friday, February 20, 2015 5:26 PM
To: Golightly-Howell, Velveta
Cc: Dorka, Lilian; O'Lone, Mary; Rhodes, Julia; Matthew, Dayna; Wooden-Aguilar, Helena
Subject: Draft REACH email for Tom Reynolds - reynolds.tom@epa.gov
Importance: High

Velveta –

Ex. 5 - Deliberative Process

Thanks,

Helena

From: O'Lone, Mary
Sent: Thursday, February 19, 2015 1:53 PM
To: Wooden-Aguilar, Helena; Dorka, Lilian
Cc: Rhodes, Julia
Subject: draft REACH email for Tom Reynolds -- not you need to attach desk statement & FAQs also.

Also, you should cc Jennifer.

Tom-

As I mentioned earlier today, I have attached the final OCR letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing

regulations.

We have asked Region 4 and other program offices who might receive press inquiries to direct them to Jennifer Colaizzi in your office. As we discussed at our meeting last month, OCR has prepared the attached reactive desk statement and FAQs to assist Jennifer.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992